

110TH CONGRESS
2D SESSION

H. R. 6479

To provide for the establishment of the San Francisco Bay National Wildlife
Refuge Complex.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

Mr. STARK introduced the following bill; which was referred to the Committee
on Natural Resources

A BILL

To provide for the establishment of the San Francisco Bay
National Wildlife Refuge Complex.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “San Francisco Bay National Wildlife Refuge Complex
6 Establishment Act”.

7 (b) FINDINGS.—The Congress finds the following:

8 (1) In 1974, the first congressionally-mandated
9 national wildlife refuge in the country was estab-
10 lished in San Francisco Bay, renamed in 1995 as

1 the Don Edwards San Francisco Bay National Wild-
2 life Refuge. It was the Nation's first urban refuge
3 and remains the largest national wildlife refuge in a
4 metropolitan area. The Service manages it as part of
5 a Complex with the Antioch Dunes, Ellicott Slough,
6 Farallon, Marin Islands, Salinas River, and San
7 Pablo Bay National Wildlife Refuges, comprising
8 more than 46,000 acres. The Complex's urban set-
9 ting and high visitorship provide unique challenges
10 and opportunities to advance the mission of the na-
11 tional wildlife refuge system, including engagement,
12 education, and involvement of new constituencies.

13 (2) The Complex represents a unique national
14 asset within the National Wildlife Refuge System
15 and should be a focal point for cutting edge re-
16 search, science, and practice in habitat management
17 and restoration, including projects in the areas of—

18 (A) implementation of recovery plans for
19 endangered and threatened wildlife species, and
20 habitat conservation plans for tidal marsh and
21 other priority ecosystems;

22 (B) integrated ecosystem management and
23 adaptive approaches to planning and implemen-
24 tation of landscape-scale ecosystem restoration;

1 (C) carbon sequestration and natural
2 shoreline protection benefits of tidal marsh res-
3 toration in the face of rising sea levels;

4 (D) monitoring the health of key species
5 and the value of habitat;

6 (E) removal and control of harmful non-
7 native species;

8 (F) public education and community stew-
9 ardship opportunities in furtherance of the mis-
10 sion of the National Wildlife Refuge System;

11 (G) public-private partnerships and col-
12 laborative conservation; and

13 (H) establishing and documenting best
14 practices and disseminating and replicating
15 them throughout the National Wildlife Refuge
16 System.

17 **SEC. 2. ESTABLISHMENT.**

18 (a) IN GENERAL; PURPOSES.—For the purposes of
19 preservation, conservation, restoration, and enhancement
20 of highly significant wildlife habitat in the ecosystem
21 known generally as San Francisco Bay in the State of
22 California, protection of migratory waterfowl and other
23 wildlife, including species known to be threatened or en-
24 dangered with extinction, providing opportunities for wild-
25 life-oriented recreation and nature study within the open

1 space so preserved, the Secretary shall establish, in ac-
2 cordance with this Act, an urban ecosystem wildlife refuge
3 complex to be known as the San Francisco Bay National
4 Wildlife Refuge Complex.

5 (b) OBJECTIVES.—In addition to the purposes of the
6 Refuge Complex specified in subsection (a), the Refuge
7 Complex shall be managed in accordance with all laws,
8 regulations, executive orders, and comprehensive conserva-
9 tion plans that applied before the date of the enactment
10 of this Act to the San Francisco Bay National Wildlife
11 Refuge Complex and for the following objectives:

12 (1) To strengthen and complement existing re-
13 source management, conservation, restoration, and
14 education programs and activities at the Refuge
15 Complex in a manner consistent with the purposes
16 set forth in subsection (a).

17 (2) To conserve, enhance, and restore the na-
18 tive aquatic and terrestrial communities and their
19 characteristics found within the Refuge Complex and
20 the San Francisco Bay ecosystem in partnership
21 with governmental, nongovernmental, and private or-
22 ganizations and private individuals dedicated to fish
23 and wildlife habitat preservation, protection, recov-
24 ery, restoration, or enhancement.

1 (3) To facilitate partnerships among the Serv-
2 ice, the State of California, regional and local gov-
3 ernments, Indian tribes, communities, conservation
4 organizations and other non-Federal entities to pro-
5 mote community stewardship and to enhance public
6 awareness and appreciation among urban and met-
7 ropolitan residents within the greater San Francisco
8 Bay ecosystem of the natural resources of the Ref-
9 uge Complex and the importance of maintaining fish
10 and wildlife habitat to compensate for the significant
11 scale of human development and land conversion
12 that has occurred in this region of northern Cali-
13 fornia.

14 (4) To advance the collective goals, priorities,
15 and strategies established in the covered report in
16 order to protect, preserve, conserve, manage, restore,
17 recover, or enhance fish and wildlife habitat in the
18 San Francisco Bay ecosystem.

19 (5) To provide for the systematic monitoring of
20 key species and environmental health in general, to
21 facilitate programs to control or eradicate harmful,
22 non-native invasive species, to advance adaptive ap-
23 proaches to planning, carbon sequestration, and nat-
24 ural shoreline protection, and to implement land-

1 scape-level strategies for ecosystem recovery, restora-
2 tion and enhancement.

3 **SEC. 3. REFUGE COMPLEX BOUNDARIES.**

4 (a) IN GENERAL.—There shall be included within the
5 boundaries of the Refuge Complex those existing refuge
6 dunes, beaches, marshes and sloughs, tidal flats, salt
7 ponds, submerged lands, islands, and other lands and open
8 waters in the San Francisco Bay and Monterey Bay eco-
9 systems as generally depicted on the map entitled “San
10 Francisco Bay NWR Complex” and dated April 2008, in-
11 cluding—

- 12 (1) Antioch Dunes National Wildlife Refuge;
13 (2) Don Edwards San Francisco Bay National
14 Wildlife Refuge;
15 (3) Ellicott Slough National Wildlife Refuge;
16 (4) Farallon National Wildlife Refuge;
17 (5) Marin Islands National Wildlife Refuge;
18 (6) Salinas River National Wildlife Refuge;
19 (7) San Pablo Bay National Wildlife Refuge;
20 and

21 (8) any other areas added to the Refuge Com-
22 plex after date of enactment of this Act.

23 (b) AVAILABILITY OF MAP.—The map referred to in
24 subsection (a) shall be held on file and available for public
25 inspection in the appropriate offices of the Service.

(c) BOUNDARY REVISIONS.—The Secretary may from time to time make such corrections to the boundaries of the Refuge Complex as may be appropriate to carry out the purposes of the Refuge Complex as specified under this Act or to facilitate the acquisition of property within the Refuge Complex pursuant to section 5.

7 SEC. 4. NOTIFICATION OF ESTABLISHMENT AND ADMINIS-
8 TRATION.

9 (a) NOTIFICATION OF ESTABLISHMENT.—No later
10 than 180 days after date of enactment of this Act, the
11 Secretary shall establish the Refuge Complex by publica-
12 tion of a notice to that effect in the Federal Register.

(b) ADMINISTRATION.—Prior to the establishment of the Refuge Complex and thereafter, the Secretary shall administer all federally owned lands, waters, and interests therein acquired for the Refuge Complex in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and this Act. The Secretary may utilize such additional statutory authority as may be available to the Secretary for the conservation, management, and restoration of fish and wildlife and natural resources, the development of wildlife dependent outdoor recreation opportunities, and facilitation of fish and wildlife interpretation and education as the Secretary considers appropriate to carry out the purposes of this Act.

1 (c) PRIORITY USES.—In providing opportunities for
2 compatible fish and wildlife dependent recreation, the Sec-
3 retary, in accordance with paragraphs (3) and (4) of sec-
4 tion 4(a) of the National Wildlife Refuge System Adminis-
5 tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure
6 that hunting, fishing, wildlife observation, photography,
7 and environmental education and interpretation are the
8 priority public uses of the Refuge Complex. Each refuge
9 within the Refuge Complex shall continue to provide those
10 uses compatible with the establishment of that refuge.

11 (d) COOPERATIVE AGREEMENTS REGARDING NON-
12 FEDERAL LANDS.—The Secretary may enter into cooper-
13 ative agreements with the State of California, its depart-
14 ments or agencies, or any political subdivision thereof, and
15 with any other person for the management in a manner
16 consistent with this Act of lands that are owned by such
17 State, subdivision, or other person and located within the
18 boundaries of the Refuge Complex and to promote public
19 awareness of the natural resources of the San Francisco
20 Bay ecosystem and encourage public participation in the
21 conservation of those resources.

22 **SEC. 5. ACQUISITION AND TRANSFER OF LANDS AND WA-**
23 **TERS FOR REFUGE COMPLEX.**

24 (a) ACQUISITIONS.—The Secretary may acquire by
25 donation, purchase with donated or appropriated funds,

1 or exchange the lands and waters or interests therein (in-
2 cluding conservation easements) within the boundaries of
3 the Refuge Complex, except that lands, waters, and inter-
4 ests therein owned by the State of California may be ac-
5 quired only by donation.

6 (b) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
7 eral property located within the boundaries of the Refuge
8 Complex as described by this Act, that is under the admin-
9 istrative jurisdiction of a department or agency of the
10 United States other than the Department of the Interior
11 may, with the mutual concurrence of the head of the ad-
12 ministering department or agency and the Secretary, be
13 transferred without consideration to the administrative ju-
14 risdiction of the Secretary for the purposes of this Act.

15 **SEC. 6. REPEAL.**

16 Public Law 92–330 is repealed effective upon the
17 date on which the Secretary publishes a notice of estab-
18 lishment of the Refuge Complex under section 4(a).

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Sec-
21 retary—

22 (1) such sums as may be necessary for the ac-
23 quisition of lands and waters, or interests in lands
24 and waters, within the Refuge Complex;

1 (2) such sums as may be necessary for the de-
2 velopment, operation and maintenance of the Refuge
3 Complex; and

4 (3) such sums as may be necessary to facilitate
5 the recovery and restoration of fish and wildlife
6 habitats within the Refuge Complex.

7 **SEC. 8. DEFINITIONS.**

8 For the purposes of this Act—

9 (1) the term “covered report” means the report
10 entitled “Baylands Ecosystem Habitat Goals: A Re-
11 port of Habitat Recommendations Prepared By the
12 San Francisco Bay Area Wetlands Ecosystem Goals
13 Project, U.S. Environmental Protection Agency, San
14 Francisco, California/S.F. Bay Regional Water
15 Quality Control Board, Oakland, California. 1999”;

16 (2) the term “harmful non-native species”
17 means, with respect to a particular ecosystem in a
18 particular region, any species, including its seeds,
19 eggs, spores, or other biological material capable of
20 propagating that species, that is not native to that
21 ecosystem and has a demonstrable or potentially de-
22 monstrable negative environmental or economic im-
23 pact in that region;

24 (3) the term “Indian tribe” has the meaning
25 given the term in section 4 of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 450b);

3 (4) the term “Refuge Complex” means the San
4 Francisco Bay National Wildlife Refuge Complex es-
5 tablished by this Act;

6 (5) the term “Secretary” means the Secretary
7 of the Interior; and

8 (6) the term “Service” means the United States
9 Fish and Wildlife Service.

○